IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO. 229 OF 2005

Ankita Roy, presently
lodged in Central Jail
Aguada, Sinquerim, Goa. ... Applicant

versus

State, through Public
Prosecutor, Panaji, Goa. ... Respondent

Mrs. A. A. Desai, Advocate for the Applicant.

Mr. S. N. Sardessai, Public Prosecutor for the State.

CORAM : N. A. BRITTO, J.

DATE : 17TH NOVEMBER, 2005.

P.C.:-

Heard Mrs. A. A. Desai, the learned Counsel appearing on behalf of the applicant. Mr. S. N. Sardessai, the learned Public Prosecutor waives notice.

Admit. Heard forthwith.

The applicant is accused in Crime No.7/2005 under

Sections 342, 323, 366-A, 366-B, 376, 506 I.P.C. r/w 34 I.P.C. and Section 8 of the Goa Children's Act, 2003, and under Sections 4 and 5 of the Immoral Traffic(Prevention) Act, 1956.

The applicant was ordered to be released on bail by common Order dated 28-10-2005 of the learned Children's Court, Panaji with conditions and one of the conditions was that the applicant was required to execute a personal bond of Rs.25,000/- with two sureties in the like amount.

The grievance of the applicant is that the said amount of personal bond with two sureties is excessive. There is no doubt that the amount of every bond to be executed by an accused has got to be fixed with due regard to the circumstances of each case and the same is required not to be excessive. The applicant after the said Order dated 28-10-2005, fixing the amount of personal bond of Rs.25,000/- with two sureties has not approached the Children's Court for reduction of the same, in case he/she found the same to be excessive but has chosen to approach this Court directly. In case, the applicant has any grievance as regards the said personal bond being excessive, the applicant as a matter of practice should first approach the Children's Court for the reduction of the said bond of

Rs.25,000/- with two sureties in the like amount and only in the event the Children's Court declining to reduce the amount of the bond or the number of sureties that the applicant would be at liberty to approach this Court afresh.

With the above observations, the application is disposed of.

N. A. BRITTO, J.

RD.